

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TRAVIS POKE

APPELLANT,

v.

INDEPENDENCE SCHOOL DISTRICT

RESPONDENT.

DOCKET NUMBER WD84198

DATE: September 7, 2021

Appeal From:

Jackson County Circuit Court
The Honorable Jennifer M. Phillips, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Gary D. Witt, Judge and Roy L. Richter, Special Judge

Attorneys:

Daniel L. Doyle and Robert A. Bruce, Kansas City, KS, for appellant.

Jeffrey A. Marriott, Independence, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TRAVIS POKE, APPELLANT,

v.

INDEPENDENCE SCHOOL DISTRICT, RESPONDENT.

WD84198

Jackson County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Gary D. Witt, Judge and Roy L. Richter, Special Judge

Travis Poke appeals from the trial court's entry of summary judgment in favor of the Independence School District on Poke's claim of retaliatory discharge pursuant to section 287.780, RSMo, following Poke's exercise of rights under the Workers' Compensation Law. Poke asserts that the trial court committed legal error when it concluded that the School District enjoys sovereign immunity from section 287.780 claims of retaliatory discharge.

REVERSED AND REMANDED.

Division Four holds:

- (1) The School District is an employer, as defined by section 287.030.1(2), that is bound to act in accordance with the duties and obligations imposed by the provisions of the Workers' Compensation Law, as set forth in Chapter 287.
- (2) The General Assembly's creation of a civil action for damages in section 287.780 that can be brought against any employer, and the General Assembly's intent that the Workers' Compensation Law apply to every governmental body included within the definition of "employer" at section 287.030.1(2), combine to reflect an express waiver of sovereign immunity for section 287.780 claims of retaliatory discharge.
- (3) The exception to waiver of sovereign immunity for tort claims under the Workers' Compensation Law described in section 105.580 has no application to this case as it applies only to the "state," and to "state employees," and as the School District is not the "state."

Opinion by: Cynthia L. Martin, Judge

September 7, 2021

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